

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

DANIEL-RAYMOND GALLIMORE,	)	Case No. SACV 23-1392-JFW (JPR)
	)	
Plaintiff,	)	
	)	ORDER SUMMARILY DISMISSING
v.	)	COMPLAINT WITH PREJUDICE
	)	
ANTONY J. BLINKEN et al.,	)	
	)	
Defendants.	)	
	)	

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On August 2, 2023, Plaintiff filed this pro se civil-rights Complaint under 42 U.S.C. § 1983; he also purports to raise various Federal Tort Claims Act claims.<sup>1</sup> Plaintiff paid the \$402 filing fee. The named defendants are Antony J. Blinken, Janet Yellen, and the City of Huntington Beach.<sup>2</sup> Because the Complaint

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<sup>1</sup> Plaintiff does not provide a complete return address – stating that he is “zip code Exempt” (see, e.g., Compl., ECF No. 1 at 1) – and mail the Court has sent him in another of his recent cases has been returned as undeliverable. Plaintiff’s Complaint is therefore subject to dismissal under Local Rule 41-6 as well as for the reasons stated herein.

<sup>2</sup> Plaintiff lists numerous other persons and entities – including the undersigned and the Magistrate Judge assigned to this

(continued...)

1 is "patently insubstantial" and frivolous, it is hereby dismissed  
2 with prejudice.

3 Plaintiff alleges in the 209-page single-spaced Complaint  
4 that he was "kidnapped, false imprisoned, held for ransom, forced  
5 coerced intimidated into contracts, and . . . frauded, by many  
6 acting public servants/law enforcement officers." (Compl., ECF  
7 No. 1 at 3.) He brings 15 claims, purportedly under § 1983; 15  
8 U.S.C. § 44; and 18 U.S.C. §§ 241, 242, 245, and 1342. (See  
9 Compl., ECF No. 1 at 1, 5-7.) His allegations are largely  
10 incomprehensible and replete with repetitive and irrelevant facts  
11 and arguments, but they seem to be based primarily on his  
12 apparent 2014 and 2018 arrests and detention in the Huntington  
13 Beach and Orange County jails. (See Compl., Gallimore Aff., ECF  
14 No. 1 at 16; Huntington Beach Police Dep't Incident Rep.  
15 Narrative, id. at 38; Gallimore Sworn Statement, id. at 54.)

16 In support of his factual allegations, Plaintiff refers to  
17 several documents he attached to the Complaint. (See Compl., ECF  
18 No. 1 at 3-4.) In a January 12, 2015 "affidavit," he stated that  
19 he met "Lee Tran" "on or about" June 18, 2014, and Tran gave him  
20 a \$5,000 "acquisition fee" and a \$5 deposit for the purchase of  
21 real estate. (Compl., "Gallimore Tran" Aff., ECF No. 1 at 24.)  
22 Lee later told Plaintiff that the selling agent had sold the  
23 property and asked for his acquisition fee back. (Id.)  
24 Plaintiff refunded Lee's \$5 deposit and told Lee he needed more  
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26 <sup>2</sup>(...continued)  
27 case — as "Wrong Doers" (Compl., ECF No. 1 at 4-5), but those  
28 persons and entities are not specifically named as Defendants in  
the caption (see id. at 1), as they must be, see Fed. R. Civ. P.  
10(a).

1 time and "would try to get the property in Escrow." (Id.) Lee  
2 then said he "was going to file charges." (Id. at 25.) "Lee  
3 told the DA and/or Huntington Beach Police" that he "gave  
4 [Plaintiff] a \$5,000.00 deposit" and "changed the agreement from  
5 an acquisition fee to a deposit." (Id.) Lee "might be an ICE  
6 agent." (Id.)

7 In a second affidavit executed that same day, Plaintiff  
8 stated that on or about September 5, 2014, he "had a bath room  
9 fixture for sell [sic] on the internet" and "set up" a meeting  
10 with "a guy calling himself Jim" who "said he wanted to buy" it.  
11 (Compl., Gallimore Aff., ECF No. 1 at 16.) Jim "showed up with  
12 over ten other persons," and Plaintiff was "assaulted and hand  
13 cuffed." (Id.) Jim identified himself as a detective for the  
14 City of Huntington Beach, and Plaintiff told him that he "did not  
15 want to do business with him" or "anyone else there" and did "not  
16 consent to any of this." (Id.) Jim said that he "had a warrant  
17 for DANIEL RAYMOND GALLIMORE" and "to search [Plaintiff's] RV."  
18 (Id.) Plaintiff informed Jim that if he forced, intimidated, or  
19 coerced him "into a contract," his "fee to Jim would be  
20 \$100,000.00 a day." (Id. at 17.) Plaintiff asked to see Jim's  
21 supervisor, Domingo, and told Domingo that his fee would be  
22 "\$200,000.00 a day." (Id. at 18.) Plaintiff asked to see a  
23 magistrate that day, and Domingo "answered yes" and "gave his  
24 word," but "[t]hat never happened." (Id.) The "[C]hief of  
25 [P]olice[] and the Mayor" of Huntington Beach "[c]onspired with  
26 the . . . officers." (Id.) On September 8, 2014, Plaintiff was  
27 taken to court, and the "Judge changed [his] name" to "AKA  
28 Gallimore, Daniel Raymond." (Id.) Plaintiff "did not . . . give

1 anyone the AUTHORITY to change [his] name." (Id.) The Judge  
2 "[c]onspired with the all above officers." (Id.) The Judge "was  
3 trying to extort \$20,000.00 for a ransom for [Plaintiff's]  
4 freedom" and when Plaintiff "could not come up with \$20,000.00,"  
5 the Judge tried "to extort \$10,000.00." (Id.) "On or about  
6 [the] 14th day of captivity," Plaintiff "got an offer to get . .  
7 . out" "[i]f [he] agreed to a . . . contract." (Id.) Plaintiff  
8 entered into the contract "[u]nder duress, corseted,  
9 intim[id]ated, and forced." (Id. at 20.)

10 In a "Sworn Statement," dated December 2, 2020, Plaintiff  
11 recounted the events leading to his 2014 arrest and court  
12 appearance. (Compl., Gallimore Sworn Statement, ECF No. 1 at 53-  
13 54.) He also stated that in 2009, the same judge "had the a  
14 [sic] man with a gun, forced [Plaintiff] in jail, and held [him]  
15 for ransom of \$1,000.00 to get out of jail, by an imposter  
16 judge." (Id. at 54.) On November 27, 2018, he was "surrounded,  
17 by what seemed like over 10 men" with guns and "was assaulted and  
18 forced in chains." (Id.) He was taken "from Huntington Beach,  
19 to Santa Ana, Orange county Jail, [and] put . . . behind bars."  
20 (Id.) They "ask[ed him his] name, and [when he] did not answer,"  
21 one of the men "forced [Plaintiff's] arm behind [his] back and it  
22 felt as [if] he was going to brake [sic] [his] arm if [he] did  
23 not say a name." (Id.) Plaintiff was "forced, corseted, and  
24 intim[id]ated, to contract with some of peoples and/or the ten  
25 private corporations following, just to get out jail." (Id. at  
26 55.) The "peoples above" "perjured their oath of office,"  
27 "committed treason against an American," were "impersonating  
28 public officers, and/or law officers," and "conspired to commit

1 treason against an American." (Id. at 57.) The "prosecutor and  
2 judge . . . collud[ed] with some of [the] defendants in the  
3 matter violating their jurisdiction." (Id. at 59.) The "State  
4 of California and the peoples and/or the Corporations foresaid  
5 and wrong-doer [were] operating as a rogue government," in which  
6 "[c]urrency [was] now issued by a private corporate United  
7 States," "without charter authority using brutal force, fraud,  
8 deceiving the courts, people and [Plaintiff]" and "[l]eaving the  
9 . . . State of California peoples and/or the Corporations forsaid  
10 wrong-doer with no legitimate authority for existence." (Id.)  
11 The "so called judge conspired, with the lawyers, from Citibank,  
12 N.A., Merrill Lynch, Option One Mortgage Corporation, and/or  
13 Financial Title Company may be more, are all BAR members, that  
14 one conflict of interest." (Id. at 60.)

15 Because Plaintiff paid the \$402 filing fee and is not a  
16 prisoner, the Complaint is not subject to preservice screening  
17 under 28 U.S.C. §§ 1915(e)(2) or 1915A. See Brown v. California,  
18 No. EDCV 11-0707-SVW (MLG), 2011 WL 5827958, at \*1 (C.D. Cal. May  
19 18, 2011), accepted by 2011 WL 5828717 (C.D. Cal. Nov. 18, 2011).  
20 The Court may, however, sua sponte dismiss under Federal Rule of  
21 Civil Procedure 12(b)(1) a frivolous, patently insubstantial  
22 complaint for lack of subject-matter jurisdiction. Neitzke v.  
23 Williams, 490 U.S. 319, 327 n.6 (1989) (courts lack subject-  
24 matter jurisdiction to consider "patently insubstantial"  
25 complaints); see also Franklin v. Murphy, 745 F.2d 1221, 1227 n.6  
26 (9th Cir. 1984) ("A paid complaint that is obviously frivolous  
27 does not confer federal subject matter jurisdiction . . . and may  
28 be dismissed sua sponte before service of process." (citation

1 omitted)); Hagans v. Lavine, 415 U.S. 528, 537-38 (1974) (a  
2 federal claim so insubstantial as to be patently without merit  
3 cannot serve as basis for federal jurisdiction). A frivolous  
4 complaint is one that "lacks an arguable basis in either law or  
5 in fact." Martin v. Sias, 88 F.3d 774, 775 (9th Cir. 1996)  
6 (citing Neitzke, 490 U.S. at 325).

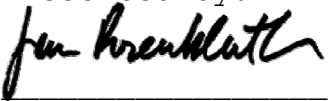
7 Plaintiff's Complaint is incomprehensible, patently  
8 insubstantial, and frivolous – not to mention horribly prolix –  
9 and as such, the Court is without subject-matter jurisdiction to  
10 consider it. See Best v. Kelly, 39 F.3d 328, 331 (D.C. Cir.  
11 1994) (complaints alleging "bizarre conspiracy theories" may be  
12 dismissed as frivolous under Rule 12(b)(1)).

13 Because the Court lacks subject-matter jurisdiction over  
14 Plaintiff's Complaint, it is dismissed with prejudice.

15  
16 DATED: August 24, 2023

  
\_\_\_\_\_  
JOHN F. WALTER  
U.S. DISTRICT JUDGE

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20 Presented by:

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23 Jean Rosenbluth  
24 U.S. Magistrate Judge  
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